REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the discussion presented herein.

1.   Rejection of Claims 1-10 and 17-28 under 35 U.S.C. § 103(a).

Claims 1-10 and 17-28 were rejected herein under 35 U.S.C. § 103(a) as being obvious in view of the combined teachings of Satomi et al. (U.S. Pat. Publ. No. 2003/0063304) and Ohta (U.S. Patent No. 7,188,224). Claims 1, 10, 17, and 26-28 are independent.

The Applicant respectfully responds, in particular to the characterization of the Ohta reference as discussed starting on page 7 of the Office Action.

In this section the Examiner discusses duplication of material as taught by Ohta. The Applicant does not argue that Ohta utilizes duplication. However, as described in the included sections Ohta is controlling "*The permitted number of duplications*" and "*the right to duplicate the content to another device*".

The teachings of Ohta describe a process where an individual already has content and wants to duplicate it to other devices; which is not what is being described in the claims of the instant application.

Claim 1 describes the steps in synchronizing and tracking content according to the instant application. For example, Claim 1 describes the receipt of a request for operating on a given element of content; …thus the individual does not have a piece of content that they are just duplicating. In the claim the user is making a request to perform some action with respect to that content element. The system as seen in the second element of the claim reviews the record associated with the specific content and determines what duplicates are available across the multiple devices. Although this seems implied from context: would it aid claim interpretation if we specifically recited it determining where the content is located? This is not merely a duplication count as seen in the Ohta reference. The user is then sent a confirmation with information about the duplicate content. Would it be helpful to claim interpretation to recite the specific

information about what and where duplicates reside? Then the system receives input from the user in relation to the information about the duplicates of the content and then processes the request. Ohta provides nothing along these lines, and merely registers a copy count for duplicates and controls whether duplication can be performed.

These aspects of Claim 1 are then discussed in greater detail in other independent claims, such as apparatus Claim 17. For example, Ohta does not analyze content, as found in element 2 of Claim 17, nor have the need to do so, Ohta only controls the number of duplicates that can be generated. Nor does Ohta perform, or have need for "*selectively transmitting confirmation for the request based on the analysis*" as recited in the claim. Then in response to the information about duplicates sent to the user and instructions back from the user the request (for content synchronization) is executed. These aspects are not found in the teachings of either of the relied-upon references.

A number of additional claims also describe aspects which are not addressed by the references. In particular Claims 25-28 discuss the synchronizing and tracking of content, including "*determining the availability of duplicate and related content on devices connected to the network*". Ohta is configured to know how many duplicates which are on devices that may be connected on a network, but does not provide for analyzing the content, and checking for duplicates, and more clearly not checking for related content, on devices connected to the network. It will be appreciated, that the user is given information about the duplicates, and related content, for which they provide instruction so that the request can be performed; no such steps are described by Ohta, or are needed therein.

Applicant thus respectfully requests that the grounds for rejection be reviewed and that the claims be allowed, or suggestions put forth on what distinctives the Examiner deems necessary if the above discussion is not considered to be fully brought out in the language of the claims.

Following are details regarding the Office Action and the cited references as previously discussed.

Claims 1, 10, 17, and 24-28.   The cited combination does not teach what the rejection purports it to teach. More particularly, the Applicant respectfully submits that a combination with the Ohta reference does not result in Applicant's invention as claimed.

For example, the rejection states:

"*On the other hand, Ohta discloses duplicates of said specific content are retained across multiple devices configured for communicating with one another over a network (column 34, lines 58-64, Ohta) and response to the request based on the presence of any duplicate or related content (column 36, lines 7-29, Ohta).*"

However, Ohta does not teach responding to a request based on the presence of any duplicate or related content, as can be seen from the following passage cited by the Examiner (col. 36, lines 7-29):

"*The permitted number of duplications represents the right to duplicate the content to another device up to that number of times. Note that the permitted number of duplications is a sum of two numbers that are permitted separately for duplications to a first type device and to a second type device. The first type device refers to a device that duplicates a content to a non-portable recording medium, and the second type device refers to a device that duplicates a content to a portable recording medium. As shown in FIG. 21, the permitted number of duplications in content information 1121 is "10 (first type: 5, and second type: 5)", which means that it is permitted to duplicate the content to a first type device up to five times, and to a second type device up to another five times.*
The flag indicating whether or not content duplication to an out-group device is permitted is set to either "OK" or "NG". When set to "OK", the flag indicates that duplication of the content to an out-group device is permitted. When set to "NG", on the other hand, the flag indicates that duplication of the content to an out-group device is prohibited. As shown in FIG. 21, the flag in this embodiment is set to "NG", which means that duplication of content 1122 to an out-group device is prohibited."

As can be seen both from the language above as cited in the rejection, as well as by reading Ohta and its considering its context, the reference does not teach aspects

which combined to obviate the claims at issue. **It can be seen that Ohta is not teaching responding to a request based on the presence of any duplicate or related content, but instead, is teaching the conditions under which information can be duplicated**. Ohta describes checking to see if a permitted number of duplications has been exceeded and, if not, allowing information to be duplicated. On the other hand, if the permitted number of duplications has been exceeded, then duplication is prohibited. Ohta is not describing management of duplicates of content that is stored at multiple locations for access by a user as recited in the Applicant's claims; Ohta is only describing how to limit the number of duplicates that can be made.

Moreover, Ohta does not teach that duplicates of said specific content are retained across multiple devices configured for communicating with one another over a network as asserted by the Examiner. The following passage cited by the Examiner (col. 34, lines 57-64) discloses no such configuration:

> "*Content duplication management system 1000 is a system for receiving contents that are broadcast from a broadcast station or transmitted over a network, and for allowing the member devices of a group formed by AD server 100 to use the received contents. Hereinafter, a description is given of an example in which content duplication management system 1000 receives contents from a broadcast station.*"

Here, Ohta is not teaching duplicates of specific content being retained across multiple devices configured for communicating with one another over a network, but instead, is merely describing a system where content is moved from one location to another over a network; e.g., where content is copied from one location to another. Ohta is not describing management of duplicates of content that is stored at multiple locations for access for access by a user.

The cited portions of Ohta thus have no bearing on reviewing a record associated with a specific content in response to a request and analyzing the associated record to determine what duplicate or related content is available across multiple devices, selectively transmitting a confirmation for the request based on the

reviewing and the presence of any duplicate or related content, and performing the request in response to receiving the request and instruction from the user in responding to said confirmation as recited in the Applicant's claims. It is undisputed that Ohta describes management of duplication; that is, how to control the number of duplicates that are being made. However, Ohta does not teach how to manage the distribution of content where the duplicates of the content reside on multiple devices.

For the foregoing reasons, Ohta is not relevant art to the aspects recited in the claims at issue. Whether Ohta is art which is analogous to Satomi et al. as asserted by the Examiner or not, a skilled artisan would not be motivated to combine the two references in order to arrive at the present invention for the clear reason that they combination does not, in fact, arrive at the present invention or even come close to doing so. The Applicant's claims recite a combination of elements which is neither taught by Satomi and Ohta, nor rendered obvious by those references. The mere fact that Ohta uses the words "duplicate", "duplicates" or "duplication" does not transform that reference into one which supplies what Satomi et al. lacks to support a rejection.

Therefore, the Applicant respectfully submits that Claims 1-10 and 17-28 are patentable over the cited references.

2. Conclusion.

Based on the foregoing, the Applicant respectfully requests that the various grounds for rejection in the Office Action be withdrawn and that a Notice of Allowance be issued for Claims 1-10 and 17-28.

In the event any further matters remain at issue with respect to the present application, Applicant respectfully requests that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: 11/13/2007   Respectfully submitted,

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